



Docket No.: L7350.0005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of:  
Toshihiro Nakajima et al.

Confirmation No.: 6763

Application No.: 10/568,823

Art Unit: Not Yet Assigned

Filed: February 21, 2006

Examiner: Not Yet Assigned

For: THERAPEUTIC AGENT FOR  
AUTOIMMUNE DISEASE

New York, New York  
August 15, 2006

**PETITION FOR ACCEPTANCE OF COLOR PHOTOGRAPHS**

U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Dear Sir:

Applicants hereby petition the Commissioner to accept the color photographs for Figures 1, 3A, 6 and 7 (4 sheets), pursuant to 37 C.F.R. § 1.84(a) and (b). These figures show dye-stained cells/tissues and color photographs are necessary to illustrate the subject matter of the present application.

Applicants submit herewith three (3) sets of the color photographs (i.e., Figures 1, 3A, 6, and 7) pursuant to 37 C.F.R. §§ 1.84(b)(2) and 1.84(a)(2)(ii) and pay the required fee of \$130.00 pursuant to 37 C.F.R. § 1.17(h).

An amendment to the specification required under 37 C.F.R. §§ 1.84(b)(2) and 1.84(a)(2)(iii) is made at page 2 of the Preliminary Amendment that is concurrently submitted herewith.

Application No.: 10/568,823

Docket No.: L7350.0005

The granting of this Petition and the acceptance of the attached photographs are respectfully requested.

Dated: August 15, 2006

Respectfully submitted,

By 

Charles E. Miller

Registration No.: 24,576

DICKSTEIN SHAPIRO LLP

1177 Avenue of the Americas

New York, New York 10036-2714

(212) 277-6500

Attorney for Applicant

IY/CEM/mgs

Attachment: 3 sets of Figures 1, 3A, 6 and 7.



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**SECOND PRELIMINARY AMENDMENT**

U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window, Mail Stop Amendment  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Dear Sir:

**INTRODUCTORY COMMENTS**

Further to the first Preliminary Amendment filed February 21, 2006, please further amend the above-identified U.S. patent application, prior to examination on the merits, as follows:

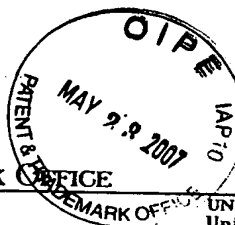
**Amendments to the Specification** are reflected in the listing of claims which begins on page 3 of this paper.

**Amendments to the Drawings** begin on page 4 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

**Remarks/Arguments** begin on page 5 of this paper.



UNITED STATES PATENT AND TRADEMARK OFFICE

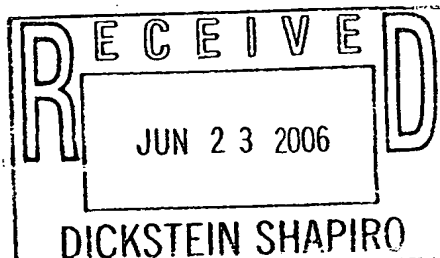


UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/568,823	FIRST NAMED APPLICANT Toshihiro Nakajima	ATTY. DOCKET NO. L73500005
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INTERNATIONAL APPLICATION NO. PCT/JP04/12422	
I.A. FILING DATE 08/23/2004	PRIORITY DATE 08/21/2003

32172  
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
1177 AVENUE OF THE AMERICAS (6TH AVENUE)  
41 ST FL.  
NEW YORK, NY 10036-2714



CONFIRMATION NO. 6763  
371 FORMALITIES LETTER



\*OC000000019297561\*

Date Mailed: 06/16/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/21/2006
- English Translation of the IA filed on 02/21/2006
- Copy of the International Search Report filed on 02/21/2006
- Copy of IPE Report filed on 02/21/2006
- Preliminary Amendments filed on 02/21/2006
- Biochemical Sequence Listing filed on 02/21/2006
- Request for Immediate Examination filed on 02/21/2006
- U.S. Basic National Fees filed on 02/21/2006
- Priority Documents filed on 02/21/2006

DSMO FILE NO. L7350.0005  
DUE: Aug. 16, 2006  
C/L: \_\_\_\_\_  
ENTERED BY: [Signature]  
ATTY: CEN/24/80m1

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment - surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

• Total additional fees required for this application is \$65 for a Small Entity:

- **\$65 Surcharge.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/568,823	PCT/JP04/12422	L73500005

**AMENDMENTS TO THE SPECIFICATION**

Please insert the following paragraph immediately underneath the heading "BRIEF DESCRIPTION OF THE DRAWINGS" at page 3, line 10 of the present specification, pursuant to 37 C.F.R. § 1.84(a)(2)(iii):

-- The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee. --

**AMENDMENTS TO THE DRAWINGS**

Please replace originally filed Figures 1, 3A, 6 and 7, which are black and white photographs, with the replacement Figures 1, 3A, 6 and 7 that are in color. A Petition for Acceptance of Color Photographs with 3 sets of Replacement Sheets are attached hereto. No new matter has been introduced by this amendment.

**REMARKS**

The specification is herein amended, pursuant to 37 C.F.R. § 1.84(a)(2)(iii), due to the replacement of black and white photographs (*i.e.*, Figures 1, 3A, 6 and 7) with color photographs as indicated by the Amendment to the Drawings section. No new matter has been introduced by the amendments.

Consideration of the present application in view of the foregoing amendments and remarks is respectfully requested.

Dated: August 15, 2006

Respectfully submitted,

By 

Charles E. Miller

Registration No.: 24,576

DICKSTEIN SHAPIRO LLP

1177 Avenue of the Americas

New York, New York 10036-2714

(212) 277-6500

Attorney for Applicant

IY/CEM/mgs

Attachments: Petition for Acceptance of Color Photographs  
with 3 sets of Figures 1, 3A, 6 and 7.

No additional fee is required.

In the event a fee is required or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215.

### **CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 CFR 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 CFR 1.135. The fee under 37 CFR 1.17 should be charged to our Deposit Account No. 50-2215.

copies of  
color photos



FIGURE 1

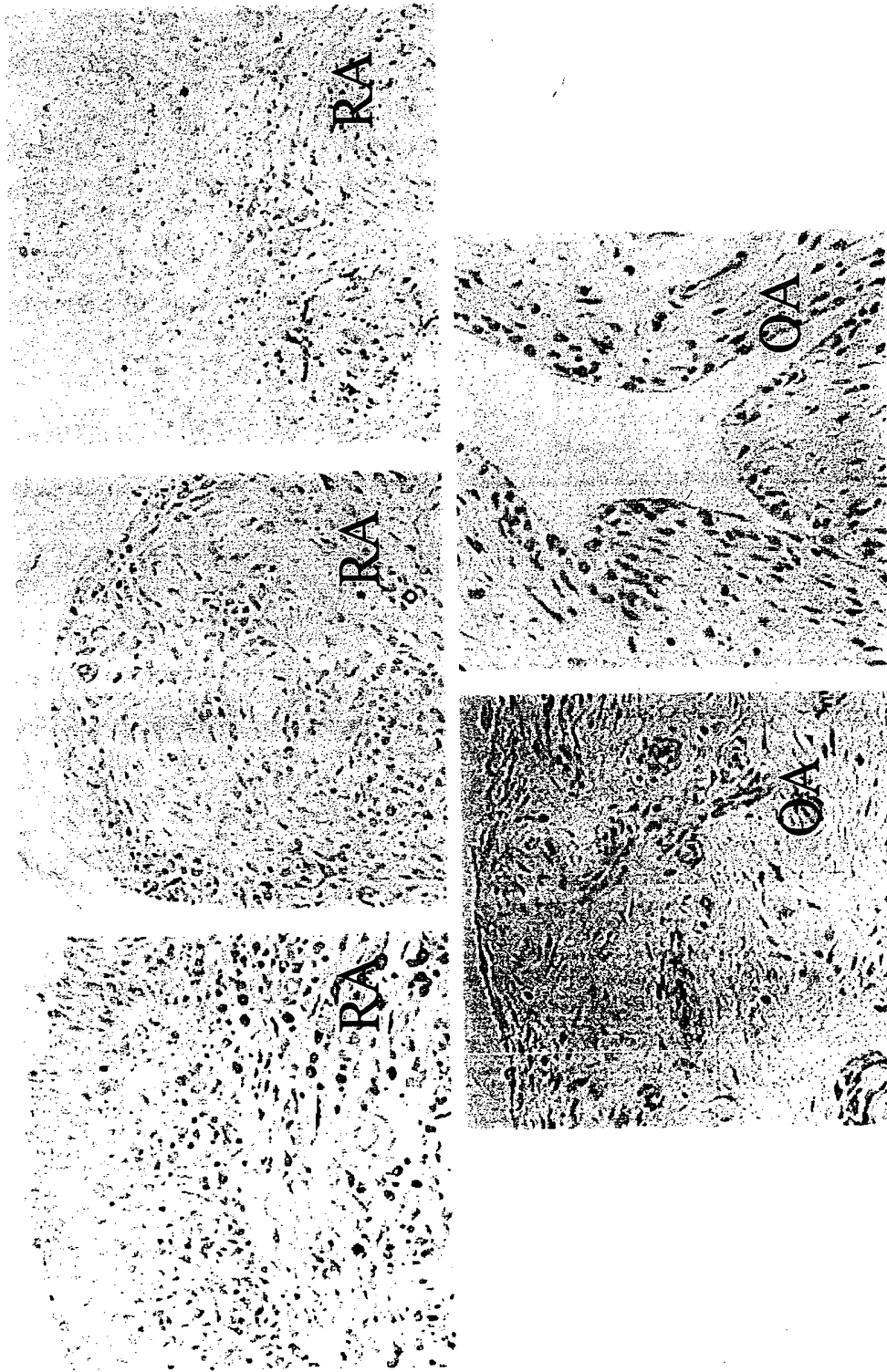


FIGURE 7

